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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Hodgin, Delwin D. and Davison, Dale A.) Patent Application
Serial No	:	10/697,496)
Filed	:	October 30, 2003) Group Art Unit: 1723
For	:	DISPOSABLE CHROMATOGRAPHIC COLUMNS) Examiner: E. Therkorn
) Date: July 29, 2005
)

PETITION UNDER 37 C.F.R. 1.313(c)(1)

106 TO WITHDRAW APPLICATION FROM ISSUE

08/01/2005 HTECKLU1 00000019 030778

01 FC:1464 130.00 DA

10/697,496

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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AUG 01 2005

Sir:

This is a petition under 37 C.F.R. 1.313(c)(1) to withdraw the above-identified application from issue.

BACKGROUND

The above-identified application was filed on October 30, 2003. At the time of filing, a declaration was filed listing the inventors of the application as Delwin D. Hodgin and Dale A. Davison. The application was fully prosecuted and a notice of allowance and fees due was issued by the U.S. Patent Office on April 13, 2005, allowing claims 1, 5-8 and 24. The issue fee/publication fee was paid by the applicant on July 12, 2005.

On July 27, 2005, applicant learned that a person not listed as an inventor believed himself to be an inventor of two of the dependent claims, claims 7 and 8. Upon

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PTO/SB/17p (11-04)

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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/697,496
Filing Date	October 30, 2003
First Named Inventor	Delwin D. Hodgkin
Art Unit	1723
Examiner Name	E. Therkorn
Attorney Docket Number	18-571-9-1

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ _____ is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17.

Payment of Fees (small entity amounts are NOT available for the petition fees)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-0778:
 petition fee under 37 CFR 1.17(f), (g) or (h) any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ _____ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

§ 1.53(e) - to accord a filing date.
 § 1.57(s) - to accord a filing date.
 § 1.182 - for decision on a question not specifically provided for.
 § 1.183 - to suspend the rules.
 § 1.376(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
 § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

§ 1.12 - for access to an assignment record.
 § 1.14 - for access to an application.
 § 1.47 - for filing by other than all the inventors or a person not the inventor.
 § 1.59 - for expungement of information.
 § 1.103(a) - to suspend action in an application.
 § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
 § 1.295 - for review of refusal to publish a statutory invention registration.
 § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
 § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
 § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
 § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
 § 5.12 - for expedited handling of a foreign filing license.
 § 5.15 - for changing the scope of a license.
 § 5.26 - for retrospective license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

§ 1.19(g) - to request documents in a form other than that provided in this part.
 § 1.84 - for accepting color drawings or photographs.
 § 1.91 - for entry of a model or exhibit.
 § 1.102(d) - to make an application special.
 § 1.136(c) - to expressly abandon an application to avoid publication.
 § 1.313 - to withdraw an application from issue.
 § 1.314 - to defer issuance of a patent.

Vincent L. Carney
Signature

Vincent L. Carney
Typed or printed name

July 29, 2005

Date

20,688

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FAX

Date: July 29, 2005
Name: Commissioner for Patents
(Attn: Mail Stop Petitions)
Company: U.S. Patent Office
Central Facsimile No.
Fax #: 703-872-9306
Pages: 14, including this cover sheet.

Our Ref: 18-571-9-1
Your Ref: U.S. application
10/697,496

**ORIGINAL WILL NOT BE SENT
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COMMENTS:

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From the office of...

Vincent L. Carney
Attorney At Law
Patents and Trademarks

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PTO/SB/21 (09-04)

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/697,496
Filing Date	October 30, 2003
First Named Inventor	Delwin D. Hodgkin
Art Unit	1723
Examiner Name	E. Therkorn
Total Number of Pages in This Submission	14
Attorney Docket Number	18-571-9-1

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (Petition) <input type="checkbox"/> (2 copies) <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition Under 1.313 <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Letter dated July 29, 2005.
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Remarks Attached is a petition under 37 C.F.R. 1.313(c)(1) to withdraw applicant from issue and its attachment A which is an amendment after withdraw from allowance.
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Vincent L. Carney, Attorney for Applicant		
Signature	<i>Vincent L. Carney</i>		
Printed name	Vincent L. Carney		
Date	July 29, 2005	Reg. No.	20,668

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: **Facsimile Number 703-872-9306**

Signature	<i>Vincent L. Carney</i>		
Typed or printed name	Vincent L. Carney	Date	July 29, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including the amount of time you require to complete this form and/or suggestions for reducing this burden. Should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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investigation, the applicant learned then he would, based on knowledge at this time, be properly considered an inventor of those two claims. Accordingly, applicant unknowingly did not list all of the inventors that should have been included as inventors of the application if it included claims 7 and 8.

Consequently, one or more of the claims of this application are unpatentable. The claims that are currently unpatentable are claims 7 and 8 since the inventor of these claims was not listed on the declaration filed in this application. The applicant wishes to file an amendment (attachment A) deleting unpatentable claims 7 and 8 from the application. Once unpatentable claims 7 and 8 are deleted from the application, the listing of the inventors on the declaration filed in this application will be correct for remaining claims 1, 5, 6 and 24. The Commissioner is hereby authorized to charge the \$130.00 fee for filing this petition to Deposit Account 03-0778.

REQUEST

It is respectfully requested that this application be withdrawn from issue, that the attached amendment (attachment A) be entered and a new notice of allowance issued allowing remaining claims 1, 5, 6 and 24 which are the claims invented by the inventors listed on the declaration filed in this case.

Respectfully submitted,

Vincent L. Carney
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